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UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 19 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM P. STEARNS and NOZAR HASSANZADEH

Application 09/678,318

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

On June 18, 2003, applicants filed a timely Reply Brief (Paper No. 19).

In accordance with the revision effective December 1, 1997, Title 37, Code of Federal Regulations, §1.193 states:

(b) (1)... The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

In view of this revision, the examiner must reopen prosecution in order to respond to the Reply Brief (Paper No. 19). Otherwise, if the examiner chooses not to respond to the arguments presented in the Reply Brief, the examiner needs to acknowledge receipt and entry of the Reply Brief.

Application 09/678,318

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration and proper response of the Reply Brief and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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